



UNITED STATES
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Hon. Analisa Torres
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *SEC v. Francisley Valdevino Da Silva, et al.*, No. 22-cv-10534 (AT)

Dear Judge Torres:

Plaintiff Securities and Exchange Commission (“SEC”) respectfully seeks to adjourn the February 13, 2023, deadline for the parties to submit a joint letter and proposed Case Management Plan and Scheduling Order in this matter. The SEC has served two of the four defendants but is still in the process of serving the other two defendants, one of whom is currently in custody in Brazil. The SEC has conferred with the two served defendants—Jose Ramiro Coronado Reyes (“Coronado”) and Ramon Antonio Perez Arias (“Perez”—who consent to this request.

As background, the SEC filed its Complaint on December 14, 2022, against Defendants Francisley Valdevino Da Silva (“Da Silva”), Juan Antonio Tacuri Fajardo (“Tacuri”), Coronado, and Perez. The Complaint alleges that defendants defrauded numerous investors from Spanish-speaking communities of over \$8.4 million by enticing them with the promise of guaranteed, astronomical, daily returns from investments in securities. (D.E. 1.) The Complaint further alleges that Defendants carried out this fraud by selling sham “memberships” in a fake crypto asset trading and mining company. (*Id.*) On December 19, the Court issued its Initial Pretrial Scheduling Order directing the parties to submit a joint letter and proposed Case Management Plan and Scheduling Order by February 13, 2023. (D.E. 15.) On January 31, 2023, the SEC filed executed waivers of service as to the Complaint, respectively signed by Defendants Coronado and Perez. (D.E. 22, 24.) Their answers are currently due on February 17, 2023, for Coronado and April 3, 2023, for Perez, who agreed to a waiver while outside the United States and thus has additional time to respond. Meanwhile, the SEC has begun settlement discussions with Coronado and Perez.

The SEC is in the process of trying to serve the remaining two defendants. Defendant Tacuri is currently in federal custody in connection with a parallel criminal proceeding,

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United States v. Francisley Da Silva, et al., 22-cr-622 (AT) (S.D.N.Y.). The SEC has submitted a request to the U.S. Marshals Service to serve him pursuant to Federal Rule of Civil Procedure (“FRCP”) 4.1(a). As for Da Silva, the SEC understands that he is in custody in Brazil, and the SEC has recently submitted a request to Brazilian authorities for service of the Summons and Complaint on Da Silva pursuant to the Hague Service Convention. Because Da Silva is outside the United States, FRCP 4(m)’s 90-day time limit for service does not apply.

The SEC therefore respectfully requests that the Court adjourn the February 13 deadline for the parties’ joint letter and proposed Case Management Plan and Scheduling Order. This is the first request for an adjournment in this case. The SEC further proposes that it file a status letter by May 8, 2023, concerning its service attempts or, if the SEC has served all defendants by then, a joint letter and proposed Case Management Plan and Scheduling Order by that date.

Respectfully submitted,

/s/ Shannon Keyes

Shannon Keyes
Senior Counsel
Division of Enforcement

cc: Coronado (by email)
Perez (by email)
Da Silva (by email)
Tacuri (by overnight delivery)

GRANTED. By **May 8, 2023**, Plaintiff shall provide a status update on its efforts to serve Defendants Tacuri and Da Silva, or, if Plaintiff has served all Defendants by that date, the parties shall file their joint letter and proposed case management plan.

SO ORDERED.

Dated: February 9, 2023
New York, New York


ANALISA TORRES
United States District Judge